

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICHOLAS CRAIG BRUNSVIK,

Plaintiff,

v.

ERIC MAGRINI, *et al.*,

Defendants.

Case No. 2:21-cv-00973-WBS-JDP (PC)

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
COMPLY WITH COURT ORDERS

On October 6, 2021, I screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A. ECF No. 6. I notified plaintiff that he could proceed with his viable due process claim against defendants Johnson, Marlar, and South, but that his remaining claims were not cognizable. *Id.* at 3-4. I therefore ordered plaintiff, within sixty days, either to file an amended complaint or to notify the court that he wishes to proceed only with his due process claim. To date, plaintiff has not complied with that order.

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for plaintiff's failure to prosecute or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v.*

1 *Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

2 Plaintiff will be given an opportunity to explain why the court should not dismiss his case
3 for failure prosecute and failure to comply with the court's October 6, 2021 order. Plaintiff's
4 failure to respond to this order will constitute another failure to comply with a court order and
5 will result in dismissal of this case. Accordingly, plaintiff must show cause within twenty-one
6 days why the court should not dismiss his case for failure to prosecute and failure comply with
7 court orders. Should plaintiff wish to continue with this lawsuit, he shall also, within twenty-one
8 days, either file an amended complaint or notify the court he wishes to proceed only with his due
9 process claims against defendants Marlar, Johnson, and South.

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11 IT IS SO ORDERED.

12 Dated: December 28, 2021

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14 JEREMY D. PETERSON
15 UNITED STATES MAGISTRATE JUDGE
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